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Conseco, Inc., 40|86 Advisors, Inc., Conseco
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re CONSECO INSURANCE CO.
ANNUTY MARKETING & SALES
PRACTICES LITIG.

**Case No. C-05-04726-RMW
And Related Cases**

CLASS ACTION

**STIPULATION AND ORDER
[PROPOSED] TO VACATE HEARING
DATE ON MOTION TO COMPEL
AND TO RESCHEDULE (IF
NECESSARY)**

Date: March 19, 2008
Time: 9:30 a.m.
Courtroom: 4, 5th Floor (Hon. Richard Seeborg)

STIPULATION

Plaintiffs and the Defendants, CONSECO, INC., 40|86 ADVISORS, INC., CONSECO SERVICES, L.L.C. and CONSECO MARKETING, L.L.C., by and through their respective counsel, hereby stipulate and agree to the following:

1 1. The hearing date on Plaintiffs' Motion To Compel Production of Documents and
2 Interrogatory Responses from Defendants Conseco, Inc., 40|86 Advisors, Inc., Conseco Marketing,
3 L.L.C., and Conseco Services, L.L.C. ("Motion to Compel") (Doc. Nos. 117-118) currently
4 scheduled before this Court on March 19, 2008 be vacated, without prejudice. The parties have
5 separately stipulated and agreed to an extension of time until April 1, 2008 for Defendants to
6 respond to Plaintiffs' jurisdictional discovery requests and therefore a hearing on Plaintiffs' Motion
7 to Compel is not necessary on March 19, 2008.

8 2. Plaintiffs may re-notice their Motion to Compel for a date after April 1, 2008 if any
9 issues remain with respect to Defendants' jurisdictional discovery responses.

10 Dated: March 4, 2008

11 _____
12 /s/ John L. Haeussler
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ORDER [PROPOSED]

The Court having considered the above stipulation and good cause appearing it is HEREBY
ORDERED AS FOLLOWS:

1. The March 19, 2008 hearing date on Plaintiffs' Motion To Compel Production of Documents and Interrogatory Responses from Defendants Conseco, Inc., 40|86 Advisors, Inc., Conseco Marketing, L.L.C., and Conseco Services, L.L.C. ("Motion to Compel") (Doc. Nos. 117-118) is vacated, without prejudice.

2. Plaintiffs may re-notice their Motion to Compel for a date after April 1, 2008 if any issues remain with respect to Defendants' jurisdictional discovery responses.

IT IS SO ORDERED.

Dated: March 5 , 2008


Richard L. Scherzer

PROOF OF SERVICE

I, Robin M. Robledo, declare: I am employed in the City and County of Santa Clara, California. I am over the age of 18 years and not a party to the within action. My business address is 660 Hansen Way, Palo Alto, CA 94304.

On March 4, 2008, I served the attached:

**STIPULATION AND ORDER [PROPOSED] TO VACATE HEARING
DATE ON MOTION TO COMPEL AND TO RESCHEDULE (IF
NECESSARY)**

to the parties listed on the attached Service List by the following means of service:

- (BY E-MAIL) I e-mailed a true copy addressed as indicated in the attached Service List, on the above-mentioned date.
- (BY E-FILE) I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Service List.
- (BY U.S. MAIL) I placed such sealed envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing at BAKER & McKENZIE, Palo Alto, California, following ordinary business practices. I am readily familiar with the practice of BAKER & McKENZIE for collection and processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for collection.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Palo Alto, California, on March 4, 2008.

Robin Robledo
Robin M. Robledo

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****** Denotes service by U.S. Mail and E-mail.
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